

Amendment/Response

Reply to Final Office Action of December 16, 2003

**REMARKS/DISCUSSION OF ISSUES**

Claims 3-8 are pending in this application, with Claims 3-8 being amended and Claims 9-13 being cancelled. No new matter is added.

The Examiner is again respectfully asked to state whether the drawings are acceptable.

**Rejections under 35 U.S.C. § 112**

Claims 3-8 and 11-13 are rejected as being indefinite for using the phrase "optically uniform." Claims 3-8 are amended to delete "uniform" and return the phrasing to its original form. Claims 11-13 are cancelled. Reconsideration of the rejection of Claims 3-8 under U.S.C. § 112 is therefore respectfully requested.

**Rejections under 35 U.S.C. § 103(a)**

Claims 3-8, 11, and 13 are rejected under U.S.C. § 103(a) over Hatano et al., U.S. Patent No. 6,320,629 in view of JP 08-029618. The rejection of the claims is respectfully traversed.

Claims 11 and 13 are cancelled. Claim 3 is amended to clarify that the intermediate layer has the same orientation as the LC bulk material. This feature is not disclosed in the Hatano et al. reference. Instead, layer 618 (Fig. 12) of Hatano et al. has an orientation that is orthogonal to the LC layer 621. In other words, these layers are crossed. The function of layer 618 is to create a bright state where there is otherwise a dark state; no mention is made of limiting reflections. Thus we have different functions between the Hatano et al. layer and the intermediate layer of Claim 3, and consequently we have different structure. The different structure in the invention defined by Claim 3 is that the orientation of the intermediate layer is in the same plane as the LC bulk material. In this fashion, the intermediate layer provides the high contrast as mentioned in the preamble of the claim. It is axiomatic that a combination of references cannot make a claim obvious if the combination does not include all of the claim limitations. MPEP § 2143.

It is therefore respectfully suggested that the rejection of independent Claim 3 is overcome. Claims 4-8, being dependent upon and further defining independent Claim 3, should be allowable for that reason, as well as for the additional recitations they contain.

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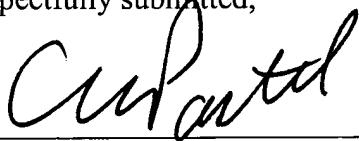
Reconsideration of the rejection of Claims 3-8 under U.S.C. § 103(a) is therefore respectfully requested.

Claims 9-10 are rejected under U.S.C. § 103(a) over Hatano et al., U.S. Patent No. 6,320,629 in view of Woo et al., U.S. Patent No. 6,191,836. Claims 9-10 are cancelled, rendering the rejection moot.

Claim 12 is rejected under U.S.C. § 103(a) over Hatano et al., U.S. Patent No. 6,320,629 in view of JP 08-029618, and further in view of EP 0604903 ('903). Claim 12 is cancelled, rendering the rejection moot.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Mr. Eric M. Bram (not the undersigned) at (914) 333-9635.

Respectfully submitted,



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